

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants:	Algirdas A. Underys)	Attention:
)	
Serial No.:	08/991,113)	Primary Examiner
)	Wyszomierski
Filing Date:	December 16, 1997)	
)	Group 1742
Title:	Heat Treatment Method and)	
	Apparatus)	

The Honorable Commissioner
of Patents and Trademarks
Washington, DC 20231

DECLARATION

Guy A. Brada states as follows.

1. I graduated with a master's degree in Metallurgical and Materials Engineering from the Colorado School of Mines. Thereafter I joined A. Finkl & Sons Co. in February, 1991 as a Process Metallurgist and, at that time, went through an intensive plant training program in which I worked in every production department. Said company is an electric furnace steel maker which melts steel from scrap and thereafter refines it in its molten condition, forges, machines and heat treats the steel in rod, bar and block form. The final product is sold domestically and internationally.

2. I was instrumental in the development of the company's premium quality product line for forging, die casting, plastic injection molds, glass molding dies and molds, and

machinery parts. I have also worked extensively in the reduction of rejections, the improvement in the quality of heat treatment, and the development of future products.

In all of my positions I have been in contact with customers in connection with the company's products purchased by said customers, visited numerous forging and machining shops, usually in conjunction with trouble shooting but sometimes in connection with sales and marketing, and have frequently lectured to neophyte officers and employees of the company's customers who attend the company's regularly conducted week long training seminars at which the attendees are taught the proper nomenclature for ordering the company's products, the technology involved in the manufacture of the company's products and how said technology impacts on the specifying of purchases from the company, and the specific performance capabilities of the company's broad line of products so as to most effectively match the product ordered to the specific customer need.

3. In 1996 I became Chief Metallurgist with, at that time, the additional specific assignments of further quality improvement and new market development.

4. I am familiar with, and in fact have studied many, U.S. Patents and am thus familiar with their technical aspects, and to many of the basic principles of patent law embodied in them, including the fact that the disclosure in patent applications are directed to a person of ordinary skill in the art.

5. I have read the above U.S. Patent Application Serial Number 08/991113 from the perspective of a person skilled in the art to which it pertains.

6. My attention has been particularly directed to the specification as filed and the matter inserted into page 4, lines 3 and 6 thereof, relating (in the words of the Examiner in the May 27, 1999 Office Action) to treatment of "bars" or "block". In essence I was

requested to state my understanding as a man skilled in the art whether the specification, as filed, supported the descriptions "bars", line 3, and "block", line 6 which were specified in the March 11, 1999 amendment.

7. In my opinion viewing the application as a man skilled in the art, the original text of the specification unmistakably conveys to me the descriptive word "bars" in line 3 and "block" in line 6. Specifically, the application is directed to tool steels, and that term instantly connotes material widely and conventionally understood by all persons in the industry to mean steel in the form of bars, rods and blocks. Indeed "rods" and "bars" are conventionally interchangeably used to describe pieces in which the length is a large multiple of the maximum cross section, whether the cross section be round, square, hexagonal or any other shape. By the same token, the word "blocks" is unmistakably described in the original disclosure in addition to its universally understood meaning of being described by the words ^{Tool Steels B. 6/14/99} "total steels". Specifically, in lines 3-5 of page 4 a specific reference is made to rods and bars in which length is always a large multiple of width in the context of the ability to use already formulated time curves for treatment periods. Then in contrast to this general description of large length workpieces, products which have a short, or less than 1, multiple of length to width are next disclosed as introduced by the phrase "By the same token", lines 5 and 6. Even more specifically, the statement "10" by 10" cross-section" only means, to me, a block or similar large, low length to width multiple workpiece. Indeed, I cannot recall ever having seen or heard of a rod or bar which has a 10" by 10" cross section. While such may exist in some publication, I state that, in the art, a description of a 10" by 10" cross section is understood to mean a block or other similar low length to width multiple shape.

8. It is therefore my opinion that "bars" and "blocks" were disclosed in the specification as filed.


Guy A. Brada

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant: he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above-identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Respectfully submitted,



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